khanates. The shariat, that is, the Koran, tradition and the decisions 671
of the first caliphs together with their commentaries and a large number of cases of precedence, are laid down in an endless number of books, and these are considered the basis for all administration of justice. Therefore only men who have made the study of these books 693
their life's work, can be judges, that is, the mullahs; and thus they 692
play the roles of theologian and jurist simultaneously. In the Moslem states of Central Asia, there are for all matters of law two courts of law. the kazi (the same as the kadi among the Turks) and the beg or khan. The kazis judge all civil law matters of dispute, and can also decide all lesser offenses. At the same time they also function as notaries and registrars of births, marriages and deaths, so that to them falls the preparation of deeds of purchase and sale, of the contraction of loans, of marriages and divorces and the like. The kazis are appointed for life by the beg or khan himself, after they have passed an exhaustive examination on the shariat. The number of kazis is unlimited, and no particular district is assigned to any. Everyone turns with his request to the kazi in whom he has the greatest confidence. There are no special chambers of justice. Every kazi practices his profession in his dwelling, also in the market and in the gateway halls. The kazis have only one scribe (mirza) to assist them from whom no further knowledge is required than that he have good handwriting. All the pleading is done 'viva voce'. The decisions, however, are [695]
entered in a special book by the mirza, and then confirmed by the kazi by the affixing of his seal. Among the Central Asians it is not the custom at all to sign a document or even a letter, an act of which only a few are capable; instead they always affix their seal in poster colors, in place of a signature. The kazis do not receive a regular salary; their income is made up of the taxes which they collect in the performance of their office as well as of the occasional gifts which they receive at weddings and the like. Those who are not satisfied with the decision of the kazi may appeal to the beg, or in the capitals, to the khan or his deputy.

The beg makes the decision of the higher court himself; in particularly important and difficult cases it becomes the concern of an assembly of the kazis, which makes the decision under the chairmanship of the highest kazi /211/ or kazi-kalyan. This decision may be corroborated by the beg or again it may be reversed. In all the more important cases, especially the criminal cases, the beg decides himself. He alone has the right to decree the heavier corporal punishments or the death sentence when the khan does not reserve the approval of the death sentences for himself.

000 or the death sentence when the khan does not reserve the approval of
695 the death sentences for himself. The law proceedings before the beg
or khan are very succinct and take up very little time. During my trip
through Bukhara in 1886, I once had the opportunity to study these pro-
ceedings of law in detail. In the town of Kitab where I was the guest
of the Beg for two days, I was quartered in the citadel in the same
court in which the Beg lived, and in fact my dwelling was just opposite
that of the Beg. The second day of my visit was the weekly bazaar day,
which for the natives is likewise day court , held for the greater con-
venience of the country-dwellers, who come on these days into the
town from all directions. The Beg had already taken his place early
in the morning beside an open window extending down to the ground,
and awaited the arrival of the plaintiffs and defendants while reading
a book. The latter, who were led in by servants in successive pairs,
bowed down to the ground as soon as they were visible to the Beg, and
with constant bowing and obviously with great anxiety approached the
open window beside which the Beg was squatting. At a given sign the
plaintiff began his speech, which was a bombast of one or two minutes,
delivered with unbelievable speed and fluency. After the defendant
had replied to this in similar fashion, the Beg, without looking up
from his book and often without deigning to bestow a single glance
on either of them, would deliver his judgment in a few words, imme-
diately and without lengthy deliberation, and against this there was
no further appeal. Both parties thereupon showed their gratitude for
the judgment received by bowing to the ground repeatedly, and re-
tired apparently in the greatest harmony. However, no sooner had they
come under the archway of the gate, where they were no longer in
view of the Beg, (I could still see them from my room,) then they
usually came to blows all over again, until the men-at-arms serving
the beg took them both by the collar and threw them into the street,
in order to make way for the next parties. If a defendant was sentenc-
[6886] ed to corporal punishment, this was carried out on the spot. A carpen-
ter was accused of not finishing a job promptly, for which he had
already been paid and the beg sentenced him for this to forty lashes.
The contract-breaking carpenter was forthwith seized, dragged before
the gate and, to the great /212/ pleasure of the bazaar public, treat-
ed to the decreed thrashing. The man in question, the Beg of Kitab,
who on this forenoon had settled fifty cases in the given fashion with-
out straining himself particularly, was, by way of exception, a mullah
himself and a very enlightened man, and for this reason he decided
all matters in dispute personally.